

REFERENCE TITLE: sex offender registration; child bigamists

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1054

Introduced by
Senator Huppenthal

AN ACT

AMENDING SECTION 13-3821, ARIZONA REVISED STATUTES; RELATING TO SEX OFFENDER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3821, Arizona Revised Statutes, is amended to
3 read:

4 13-3821. Persons required to register; procedure;
5 identification card; definitions

6 A person who has been convicted of a violation or attempted
7 violation of any of the following offenses or who has been convicted of an
8 offense committed in another jurisdiction that if committed in this state
9 would be a violation or attempted violation of any of the following offenses
10 or an offense that was in effect before September 1, 1978 and that, if
11 committed on or after September 1, 1978, has the same elements of an offense
12 listed in this section or who is required to register by the convicting
13 jurisdiction, within ten days after the conviction or within ten days after
14 entering and remaining in any county of this state, shall register with the
15 sheriff of that county:

16 1. Unlawful imprisonment pursuant to section 13-1303 if the victim is
17 under eighteen years of age and the unlawful imprisonment was not committed
18 by the child's parent.

19 2. Kidnapping pursuant to section 13-1304 if the victim is under
20 eighteen years of age and the kidnapping was not committed by the child's
21 parent.

22 3. Sexual abuse pursuant to section 13-1404 if the victim is under
23 eighteen years of age.

24 4. Sexual conduct with a minor pursuant to section 13-1405.

25 5. Sexual assault pursuant to section 13-1406.

26 6. Sexual assault of a spouse if the offense was committed before ~~the~~
27 ~~effective date of this amendment to this section~~ AUGUST 12, 2005.

28 7. Molestation of a child pursuant to section 13-1410.

29 8. Continuous sexual abuse of a child pursuant to section 13-1417.

30 9. Taking a child for the purpose of prostitution pursuant to section
31 13-3206.

32 10. Child prostitution pursuant to section 13-3212.

33 11. Commercial sexual exploitation of a minor pursuant to section
34 13-3552.

35 12. Sexual exploitation of a minor pursuant to section 13-3553.

36 13. Luring a minor for sexual exploitation pursuant to section 13-3554.

37 14. Sex trafficking of a minor pursuant to section 13-1307.

38 15. CHILD BIGAMY PURSUANT TO SECTION 13-3609.

39 15. 16. A second or subsequent violation of indecent exposure to a
40 person under the age of fifteen years pursuant to section 13-1402,
41 subsection B.

42 16. 17. A second or subsequent violation of public sexual indecency to
43 a minor under the age of fifteen years pursuant to section 13-1403,
44 subsection B.

1 ~~17.~~ 18. A third or subsequent violation of indecent exposure pursuant
2 to section 13-1402.

3 ~~18.~~ 19. A third or subsequent violation of public sexual indecency
4 pursuant to section 13-1403.

5 ~~19.~~ 20. A violation of section 13-3822 or 13-3824.

6 B. Before the person is released from confinement the state department
7 of corrections in conjunction with the department of public safety and each
8 county sheriff shall complete the registration of any person who was
9 convicted of a violation of any offense listed under subsection A of this
10 section. Within three days after the person's release from confinement, the
11 state department of corrections shall forward the registered person's records
12 to the department of public safety and to the sheriff of the county in which
13 the registered person intends to reside. Registration pursuant to this
14 subsection shall be consistent with subsection E of this section.

15 C. Notwithstanding subsection A of this section, the judge who
16 sentences a defendant for any violation of chapter 14 or 35.1 of this title
17 or for an offense for which there was a finding of sexual motivation pursuant
18 to section 13-118 may require the person who committed the offense to
19 register pursuant to this section.

20 D. The court may require a person who has been adjudicated delinquent
21 for an act that would constitute an offense specified in subsection A or C of
22 this section to register pursuant to this section. Any duty to register
23 under this subsection shall terminate when the person reaches twenty-five
24 years of age.

25 E. A person who has been convicted of or adjudicated delinquent and
26 who is required to register in the convicting state for an act that would
27 constitute an offense specified in subsection A or C of this section and who
28 is not a resident of this state shall be required to register pursuant to
29 this section if the person is either:

30 1. Employed full-time or part-time in this state, with or without
31 compensation, for more than fourteen consecutive days or for an aggregate
32 period of more than thirty days in a calendar year.

33 2. Enrolled as a full-time or part-time student in any school in this
34 state for more than fourteen consecutive days or for an aggregate period of
35 more than thirty days in a calendar year. For the purposes of this
36 paragraph, "school" means an educational institution of any description,
37 public or private, wherever located in this state.

38 F. Any duty to register under subsection D or E of this section for a
39 juvenile adjudication terminates when the person reaches twenty-five years of
40 age.

41 G. The court may order the termination of any duty to register under
42 this section on successful completion of probation if the person was under
43 eighteen years of age when the offense for which the person was convicted was
44 committed.

1 H. At the time of registering, the person shall sign a statement in
2 writing giving such information as required by the director of the department
3 of public safety, including all names by which the person is known. The
4 sheriff shall fingerprint and photograph the person and within three days
5 thereafter shall send copies of the statement, fingerprints and photographs
6 to the criminal identification section within the department of public safety
7 and the chief of police, if any, of the place where the person resides. The
8 information that is required by this subsection shall include the physical
9 location of the person's residence and the person's address. If the person
10 has a place of residence that is different from the person's address, the
11 person shall provide the person's address, the physical location of the
12 person's residence and the name of the owner of the residence if the
13 residence is privately owned and not offered for rent or lease. If the
14 person receives mail at a post office box, the person shall provide the
15 location and number of the post office box. If the person does not have an
16 address or a permanent place of residence, the person shall provide a
17 description and physical location of any temporary residence.

18 I. On the person's initial registration and every year after the
19 person's initial registration, the person shall obtain a new nonoperating
20 identification license or a driver license from the motor vehicle division in
21 the department of transportation and shall carry a valid nonoperating
22 identification license or a driver license. Notwithstanding sections 28-3165
23 and 28-3171, the license shall be valid for one year from the date of
24 issuance, and the person shall submit to the department of transportation
25 proof of the person's address and place of residence. The motor vehicle
26 division shall annually update the person's photograph and shall make a copy
27 of the photograph available to the criminal identification section of the
28 department of public safety or to any law enforcement agency.

29 J. Except as provided in subsection E or K of this section, the clerk
30 of the superior court in the county in which a person has been convicted of a
31 violation of any offense listed under subsection A of this section or has
32 been ordered to register pursuant to subsection C or D of this section shall
33 notify the sheriff in that county of the conviction within ten days after
34 entry of the judgment.

35 K. Within ten days after entry of judgment, a court not of record
36 shall notify the arresting law enforcement agency of an offender's conviction
37 of a violation of section 13-1402. Within ten days after receiving this
38 information, the law enforcement agency shall determine if the offender is
39 required to register pursuant to this section. If the law enforcement agency
40 determines that the offender is required to register, the law enforcement
41 agency shall provide the information required by section 13-3825 to the
42 department of public safety and shall make community notification as required
43 by law.

1 L. A person who is required to register pursuant to this section
2 because of a conviction for the unlawful imprisonment of a minor or the
3 kidnapping of a minor is required to register, absent additional or
4 subsequent convictions, for a period of ten years from the date that the
5 person is released from prison, jail, probation, community supervision or
6 parole and the person has fulfilled all restitution obligations.
7 Notwithstanding this subsection, a person who has a prior conviction for an
8 offense for which registration is required pursuant to this section is
9 required to register for life.

10 M. A person who is required to register pursuant to this section and
11 who is a student at a public or private institution of postsecondary
12 education or who is employed, with or without compensation, at a public or
13 private institution of postsecondary education or who carries on a vocation
14 at a public or private institution of postsecondary education shall notify
15 the county sheriff having jurisdiction of the institution of postsecondary
16 education. The person required to register pursuant to this section shall
17 also notify the sheriff of each change in enrollment or employment status at
18 the institution.

19 N. For the purposes of this section:
20 1. "Address" means the location at which the person receives mail.
21 2. "Residence" means the person's dwelling place, whether permanent or
22 temporary.